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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 CHRISTOPHER JAY SANCHEZ,

13 Plaintiff,

14 v.

15 KAREN BRUNSON *et al.*,

16 Defendants,

Case No. C08-5611FDB

REPORT AND
RECOMMENDATION

17 **NOTED FOR:**
18 **November 14, 2008**

19 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge
20 pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and
21 MJR 4. Plaintiff has moved to dismiss his complaint prior to the court considering plaintiff's motion for in
22 forma pauperis status (Dkt. # 3).

23 Fed. R. Civ. P. 41 (a)(1) gives a plaintiff the right to dismiss his own action at any time prior filing of
24 an answer or motion for summary judgment. An order of the court is not needed. Here, plaintiff has notified
25 the court he does not wish to proceed and this action should be **DISMISSED WITHOUT PREJUDICE**.

26 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
27 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed. R. Civ.
28 P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v.

1 Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
2 set the matter for consideration on **November 14, 2008**, as noted in the caption.

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4 DATED this 22 day of October, 2008.

5 /S/ J. Kelley Arnold
6 J. Kelley Arnold
7 United States Magistrate Judge
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